



**Grand Jury Transcript
September 21, 2020
Recording #1¹**

¹ THIS IS NOT AN OFFICIAL TRANSCRIPT; IT WAS PREPARED FROM AUDIO RECORDINGS OF THE GRAND JURY PROCEEDINGS BY COUNSEL FOR THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC (“LDF”).

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Male Speaker: You do solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Jeff Ogg: I do.

Female Speaker: And your name?

Jeff Ogg: Jeff Ogg.

Female Speaker: And where do you work?

Jeff Ogg: I'm with the Attorney General's office, Department of Criminal Investigations.

Female Speaker: How long have you been with the Attorney General's office?

Jeff Ogg: Three years total.

Female Speaker: And prior to that, where did you work?

Jeff Ogg: I retired from the Frankfort Police Department with 21 years in. And then after that, I worked as an investigator with the Department of Revenue for the state of Kentucky.

Female Speaker: And as a detective with Frankfort Police Department, did you work homicide cases?

Jeff Ogg: Yes, ma'am.

Female Speaker: And work assault cases?

Jeff Ogg: Yes, ma'am.

Female Speaker: So, many, many types of criminal cases?

Jeff Ogg: Yes, ma'am.

Female Speaker: Okay. And you were asked to become involved in this investigation...

Jeff Ogg: Yes. I...

Female Speaker: ...of the shooting surrounding the death of Breonna Taylor?

Jeff Ogg: Yes, ma'am.

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Female Speaker: Now, if you would explain to the grand jury what is depicted in these enlarged photographs that we see on the easels...

Jeff Ogg: Yes, ma'am.

Female Speaker: ...and starting with Exhibit 1.

Jeff Ogg: Yes, ma'am. Exhibit 1 is a Google Earth (inaudible at 0:01:32) of the area to include Springfield Drive. A particular elevation (inaudible at 0:01:40). This is the direction the officer's car approached Springfield Drive as he come to execute the warrants. This is 3003 Springfield Drive. This is the apartment building that we are concerned with. And you will hear some information alluding to a gate later. This is the gate. This is the location of the gate.

Female Speaker: Can you all see or would it be better to use the – can you all see this better?

{Crosstalk}

Female Speaker: Okay. So that's Exhibit 1. On the screen there, can you point out that gate again? Where it is.

Jeff Ogg: The gate is right here. You will hear some testimony or some information related to the gate. That is right here. And that's 3003, right there.

Female Speaker: So it's a large apartment complex.

Jeff Ogg: And the officers approached the scene coming this way.

Female Speaker: Okay. Exhibit 2.

Jeff Ogg: Yes, ma'am. This is a frontal shot of Saint Anthony Garden Apartments, 3003 Springfield Drive. This is Apartment 4, the apartment occupied at the time of the incident by Breonna Taylor and Kenneth Walker. And this is Apartment 3, and that was occupied by Cody Etherton, Chelsea Napper and Ms. Napper's five-year-old child.

Female Speaker: Okay. Exhibit 3.

Jeff Ogg: Yes, ma'am. This is a frontal shot from outside the breezeway at 3003 Springfield Drive. This the staircase that went up to Apartment 8. These are some markers. This is Apartment 4, behind the staircase, and this is Apartment 3. And this is some significant information about this patio door here, a sliding glass door.

Female Speaker: Exhibit 4.

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Jeff Ogg: This is a different view, different angle from the same apartment building. This is the sliding glass to the, on the door of the apartment. This is the bedroom window to Apartment 4. That was Ju’Niyah Palmer’s apartment. That is Ms. Breonna Taylor’s sister. She was not home at the time of the incident.

Female Speaker: That’s her bedroom window.

Jeff Ogg: Yes, ma’am. Like...

Female Speaker: Okay. Exhibit 5.

Jeff Ogg: This is a closer shot of inside the breezeway. Once again, this is a shot of Apartment 4 with the door open. This is a cell phone belonging to Kenneth Walker. And this is the shot of outside Apartment 3, once again, Apartment 3 was occupied by Cody Etherton, Chelsea Napper and Ms. Napper’s five-year-old child.

Female Speaker: And 6?

Jeff Ogg: This is a difficult, at the turn of an angle – Okay. There we go. This is a shot from outside Apartment 4 with the door open. Kenneth Walker’s phone. And with Ms. Taylor lying at the end of the hallway. It’s a difficult scene because of the shadowing but there’s some papers laying in the hallway.

Female Speaker: And Exhibit 7?

Jeff Ogg: Okay. This is a floor plan of Apartment 4 for 3003 Springfield Drive. This is the front door to the apartment. This is the patio/balcony area there with the sliding glass door, which you saw pictures of. This is the bedroom window, which you saw a previous photograph of. This is Ju’Niyah Palmer’s bedroom. Of a particular note, we refer to this as we speak as the south bedroom. This is going to be the east bedroom. This is Breonna Taylor’s bedroom. This is—in actuality—is the full bath. And this washer/dryer are located right here. This was the one fault. We will be talking and speaking of a closet in this apartment bedroom and this is the closet we are referring to.

Female Speaker: And Exhibit 8?

Jeff Ogg: This is a floor plan of Apartment 3.

Female Speaker: Okay.

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- Jeff Ogg: You'll see some forecasts later, hear some discussion about Apartment 3. Some damage to some bullet holes on the wall here and in a closet, and we'll go over those as we get there. This is Apartment 3.
- Female Speaker: Okay. Now I ask you to explain, let's go through identifying the officers, as well as Ms. Taylor and Kenneth Walker. If you would explain to us here who is this photograph? Exhibit 9.
- Jeff Ogg: This is a photograph of Breonna Taylor. She was the occupant in Apartment 4 at the time of the incident.
- Female Speaker: And go onto now Exhibit 10.
- Jeff Ogg: This is Mr. Kenneth Walker. He was also inside Apartment 4. And as I say the apartments I'm referring to, Apartments 3 and 4 at 3003 Springfield Drive.
- Female Speaker: Exhibit 11.
- Jeff Ogg: This is Detective Brett Hankison. He's assigned to the Criminal Interdiction Division of the—actually, all the seven officers involved, the detectives involved in the execution of the arrest warrant – search warrant, excuse me – were assigned to the Louisville Metro Police Department's Criminal Interdiction Division. This gentleman is Detective Brett Hankison. He is 44 years old. At the time of the incident, he had been on the LMPD for approximately 17 years.
- Female Speaker: And Exhibit 12.
- Jeff Ogg: This is Detective Myles Cosgrove. He is 42 years old. He has been on the Louisville Metro Police Department for approximately 15 years.
- Female Speaker: 13?
- Jeff Ogg: And this is Sergeant Jon Mattingly. He was injured in the execution of the search warrant. He is 47 years old, and he has been on the Louisville Metro Police Department for approximately 20 years.
- Female Speaker: 14?
- Jeff Ogg: This is Detective Mike Nobles. He was the detective that was carrying the round as the search warrant was being executed.
- Female Speaker: And how long has he been on the force?
- Jeff Ogg: I don't have that information.

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Female Speaker: Okay. 15?

Jeff Ogg: This is Detective Tony James. He has been on the LMPD since 2005, so approximately 15 years. (Inaudible at 0:09:58). Correction.

Jeff Ogg: I apologize. I don't have that information.

Female Speaker: And is he the one that had the shield?

Jeff Ogg: Yes. Detective James had the shield, but you'll see the photograph that I have in a few minutes.

Female Speaker: You said you don't have his years of service?

Jeff Ogg: I don't have that, I apologize.

Female Speaker: Would you be able to get that at some point?

Jeff Ogg: Yes, ma'am.

Female Speaker: Okay. So, Number 16?

Jeff Ogg: This is Lieutenant Shawn Hoover. Lieutenant Hoover has been on the police department for approximately 17-and-a-half years.

Female Speaker: Okay. 17?

Jeff Ogg: This is Detective Mike Campbell. He has been on the Louisville police department for approximately 22 years.

Female Speaker: Now, during the investigation immediately following the shootings, there were photographs taken of the scene by the crime scene unit?

Jeff Ogg: Yes, ma'am.

Female Speaker: Let's start here with Exhibit 18. And tell us what is in this photograph.

Jeff Ogg: This is a photograph—all the crime scene photos were taken by LMPD crime scene unit technician Tracy Gutterman. This is a photograph taken on the morning of March 13 in front of 3003 Springfield Drive. This vehicle here, this white SUV, was driven by Harry (sounds like: Sarfey at 0:12:40) to the scene. He had arrived to pick up his child from Apartment 8. He was just at the babysitter's in this apartment, which is directly above Apartment 4. This SUV was driven to the scene by Sergeant John Mattingly.

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Female Speaker: Okay. 19.

Jeff Ogg: This is a shot inside the breezeway of 3003 Springfield Drive. Once again, this an open door to Apartment 4 as occupied at the time by Breonna Taylor and Kenneth Walker. And this is Apartment 3. At the time, it was occupied by Cody Etherton and Chelsea Napper and Ms. Napper's five-year-old child.

Female Speaker: Next.

Jeff Ogg: This is a shot from outside the patio looking at the patio and the sliding glass door. Inside Apartment 4. You can see the damage. You'll see additional photographs later. From this one you can see the damage done by shots fired outside the apartment.

Female Speaker: Go ahead.

Jeff Ogg: This is a different closer up shot of the sliding glass door. You can see damage to the window itself and some damage to the screen on the door.

Female Speaker: 22.

Jeff Ogg: This is, in fact, this is the door that I have been speaking about, the sliding glass door. And this is this window here to Ju'Niyah Palmer's bedroom. And this shows damage to the window and the window frame, window trim. You have one (inaudible at 0:14:40) second one, three, four, five. So five to the window – four to the window, one to the window frame.

Female Speaker: 23.

Jeff Ogg: This is a shot inside of the pickup of the breezeway, leading up to Apartment 3 and Apartment 4. This is a shot of the ram used by Detective Nobles to breach the door.

Jeff Ogg: This is a shot of the shield as carried by Detective Tony James at the time the warrant was being served, or executed.

Female Speaker: 25.

Jeff Ogg: This is what we saw previously, but this is a shot inside Apartment 4 taken outside in the breezeway. Kenneth Walker's cell phone. The entryway there and the hallway with Ms. Taylor lying on the floor in the hallway.

Female Speaker: 26.

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- Jeff Ogg: A little different view, but that's basically the same shot. You will see (inaudible at 0:16:00). You will see later on when that light is turned on by the members of the local SWAT team.
- Female Speaker: 27.
- Jeff Ogg: This is a shot of inside the apartment. Apartment 4. This is the front door. You will see the damage done by the ram when they breached the door. And this is the dining room area, kitchen area.
- Female Speaker: 28.
- Jeff Ogg: This is in the dining room area. On the wall. In Apartment 4. All the shots you see from the next two shots are Apartment 4. You'll see damage to this here, right below and on the clock from a bullet strike. You see one here. And you see one here.
- Female Speaker: 29.
- Jeff Ogg: And this is a different angle of the same area. You'll see these three bullet strikes with scene markers. This one, this one, and this one. This had a trajectory rod inserted into it. This is a fourth bullet strike on the chair railing, also with a trajectory rod in it.
- Female Speaker: Number 30.
- Jeff Ogg: Once again, this is in Apartment 4. Taking the shot from inside the apartment, back toward the entry door, just showing the general overview of this room.
- Female Speaker: So if you were standing inside at, right inside the sliding glass door, this is what you would see?
- Jeff Ogg: Yes, ma'am. Because the shot was taken from this way, from the back of the front door. You would see the sliding glass door would be on this side.
- Female Speaker: Number 31.
- Jeff Ogg: This is inside the apartment. This is a shot inside Apartment 4. Showing the damage to the curtains and the vertical blinds and the broken glass. Once again, this area here.
- Female Speaker: This is the sliding glass door?
- Jeff Ogg: Yes, ma'am. This is the sliding glass door.

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Female Speaker: From the inside?

Jeff Ogg: Yes, ma'am.

Female Speaker: And those were some of the blinds that had been shot down?

Jeff Ogg: This is the shot showing the damage from the part of the blinds as well as the glass of the sliding glass door and damage done to the curtains.

Female Speaker: Number 32.

Jeff Ogg: Same doors. Same sliding glass door. Apartment 4. Just a different shot, showing you the damage to the glass and to the vertical blinds from the shots that were fired from outside.

Female Speaker: 33.

Jeff Ogg: External shot taken during the day. Externally of the sliding glass door with – this one has scene markers in it. It shows you entry bullet holes of this area. One. Two. Three. Four. Five.

Female Speaker: 34.

Jeff Ogg: This is a shot, by the camera, of a photograph inside the hallway of Apartment 4, showing Ms. Taylor on the floor from the back of the hallway.

Female Speaker: 35.

Jeff Ogg: This is a bullet strike on the hallway, the same hallway Ms. Taylor is lying. This would be in this general area.

Female Speaker: And 36.

Jeff Ogg: This is Ms. Taylor – showing Ms. Taylor at the end of the hallway. It's difficult to see because of the lighting, but she would have been about here in this general area. You see...

Female Speaker: If you all – if you want to refer to this reading here...

Jeff Ogg: This might be a little bit...

Female Speaker: Right. That pointer won't work.

Jeff Ogg: Okay. You'll see – if you're looking at it, Ms. Taylor on her arm – where's the pointer at?

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Female Speaker: Here it is.

Jeff Ogg: This might be a little – this photograph is a little bit better. This is an entry wound on Ms. Taylor’s left arm from a bullet strike, and this is an exit wound on her upper left arm. Ms. Taylor has an entry wound on her upper left leg with the exit wound being on her left rear thigh area just below her lower back. It’s difficult to see – and you’ll hear more about this later – but Ms. Taylor received a gunshot wound to the front with it resting out of the back. And she has an entry wound on the outside of her right foot with the exit wound being at the bottom of her right foot.

Female Speaker: And then the heel?

Jeff Ogg: And there’s a heel which you can’t see here, but there was a bullet that struck her heel that was stuck to her basically. It was protruding out, but we don’t have a shot of that. You will hear more about that later.

Female Speaker: And there is one that cannot be seen in the abdomen.

Jeff Ogg: Okay. There is another one that we cannot see anything in reference to the abdomen area.

Female Speaker: Okay. 37. Which I think you explained.

Jeff Ogg: Actually that’s another shot of Ms. Taylor’s wound she received. The wounds on her lower arm, her upper arm, her hip area.

Female Speaker: And 38.

Jeff Ogg: A little different angle of the wound she received in her right foot, but it shows the exit wound on her lower foot.

Female Speaker: 39.

Jeff Ogg: Okay. Photo 39 is a shot going into the east bedroom, which is Ms. Taylor’s bedroom. You see three bullet strikes in the hallway by Ms. Taylor. One, two, three, with damage from a bullet strike here and here. This would be – this is right along the steel grade. Three is here and the bullet strike is right there in the east bedroom.

Female Speaker: And 40.

Jeff Ogg: Culture of shot of the three bullet strikes on the door frame of the east bedroom.

Female Speaker: 41.

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Jeff Ogg: This is a shot inside Ms. Taylor's bedroom just showing the general layout of her bedroom. Ms. Taylor is bedside.

Female Speaker: 42.

Jeff Ogg: Okay, this is a photograph of her closet with the doors open. You'll see an initial shot after this. This is the closet right here, excuse me. Alright.

Female Speaker: 43.

Jeff Ogg: Okay, this is a bullet strike inside that same closet with the scale marker here at the bottom towards the wall. And you can see some drywall dust right here.

Female Speaker: 44.

Jeff Ogg: And this is a shoebox that was removed from that closet with a hole from a bullet strike right there at the end of the shoebox.

Female Speaker: That was taken from that closet?

Jeff Ogg: Yes, ma'am, taken from the closet in Ms. Taylor's room, in the east bedroom.

Female Speaker: 45.

Jeff Ogg: This is a shot of the bathroom in Ms. Taylor's bedroom right here. Once again, this is a full bath, not the half bath. This is inside Ms. Taylor's bedroom.

Female Speaker: 46.

Jeff Ogg: This is an outside shot going into Ju'Niyah Palmer's bedroom, which we are referring to as the south bedroom right here.

Female Speaker: And 47.

Jeff Ogg: A little closer shot of the inside of Ms. Palmer's bedroom. She was not home at the time of the incident.

Female Speaker: 48.

Jeff Ogg: Once again, a different angle just to document how the room was set up. Keep in mind that this is the window that the police showed the bullet holes, bullet damage. This is that window here.

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Female Speaker: And the bed was raised up by the crime scene unit?

Jeff Ogg: Yes, and we'll show you here in a second in the few next shots.

Female Speaker: 49.

Jeff Ogg: This is a handgun that belonged to 43-X. It was located underneath the bed in the east – excuse me, the south bedroom. Correction.

Female Speaker: And that was collected by the crime scene unit?

Jeff Ogg: Yes ma'am. That was collected and placed in the evidence locker. You'll hear more on firearm and bullet evidence and testimony by Detective Wolf.

Female Speaker: Was that identified as the Kenneth Walker gun?

Jeff Ogg: Yes. That was identified as the Walker – I mean the handgun used by Kenneth Walker.

Female Speaker: And you found it underneath the bed? That's where it was?

Jeff Ogg: Yes, ma'am. That was initially located in the bedroom by the SWAT team as they cleared the area and laid it on the bed.

Female Speaker: Okay. 50.

Jeff Ogg: Okay, this is an opened dresser drawer inside the east bedroom belonging to Ju'Niyah Palmer.

Female Speaker: South.

Jeff Ogg: Correct, south.

Female Speaker: There's a bullet strike on that drawer?

Jeff Ogg: Yes. There is a – see the bullet strike on the drawer, the top of the drawer.

Female Speaker: And then 51.

Jeff Ogg: Here are a couple of up-close photographs of the bullet that was recovered from the south bedroom from the dresser drawers.

Female Speaker: 52.

Jeff Ogg: This is a shot of, once again, the south bedroom of the closet, this closet here. And this shows you the entrance and the floor area of the closet.

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Female Speaker: And then 53.

Jeff Ogg: And you'll see some damage on the floor, I believe.

Female Speaker: A bullet was located there.

Jeff Ogg: A bullet was located there.

Female Speaker: 54.

Jeff Ogg: This is damage to the wall in the south bedroom behind the door. Two bullet strikes. And that would have been right in this area here.

Female Speaker: And would you point out while you're there at the floorplan where the dresser was on that wall in the south bedroom.

Jeff Ogg: The dresser was here on this wall here.

Female Speaker: Okay. 55.

Jeff Ogg: This is a photograph of – taken from inside the south bedroom trying to depict – this is where the furnace was located, and this is where the air conditioning unit was located. There is a bullet strike here and here.

Female Speaker: And 56.

Jeff Ogg: This is a closer shot of the same two bullet holes here on the wall to the furnace room, the closet, and to the air conditioning unit.

Female Speaker: 57.

Jeff Ogg: This is a shot of inside the bathroom – this area – of the bullet that was located in the shower/tub area from the soap holder shelf.

Female Speaker: 58.

Jeff Ogg: Okay, now we've moved to Apartment 3. This is a shot of a bullet strike to the clock with a scale.

Female Speaker: Would that wall and clock be, I guess, opposite on the other side of the wall in Breonna Taylor's apartment...

Jeff Ogg: Yes, ma'am.

Female Speaker: ...where her clock was. Is that clock in Apartment 3?

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Jeff Ogg: Yes, ma'am.

Female Speaker: In the same place?

Jeff Ogg: Yes, ma'am.

Female Speaker: Okay. And 59.

Jeff Ogg: This is a shot of an Apartment 3 view of the dining area. There's a bullet strike just above the chair down there.

Female Speaker: 60.

Jeff Ogg: And this is, once again this is Apartment 3, this is a shot where one of the bullets was located on the table.

Female Speaker: And 61.

Jeff Ogg: And this is, in Apartment 3, this is damage shown done to the sliding glass door in Apartment 3. You can see the broken glass. The lighting is kind of difficult to see, but the damage done to the glass here.

Female Speaker: From bullets.

Jeff Ogg: From bullets, yes. And that's a little clearer, it's not quite as dark there.

Female Speaker: Could you point out on the floorplan of Apartment 3 where the sliding glass door is?

Jeff Ogg: This is the sliding glass door in Apartment 3.

Female Speaker: And the front door is where?

Jeff Ogg: This is the front door here. This is the dining area here.

{Crosstalk}

Female Speaker: The dining rooms are backed up to each other.

Jeff Ogg: Exactly. That's exactly right. This right here is backed up to this.

Female Speaker: Mm-hmm.

Jeff Ogg: Keep in mind that (inaudible at 0:32:50). But Detective Hankison was firing this way from the south to (inaudible at 0:32:57). So this is flat and

Detective Hankison was in this area somewhere. And I'll break that down in just a second after we get through the photographs.

Female Speaker: I believe that is the last photograph.

Jeff Ogg: Okay. Just until we get to the next part, as you've listened to this information just kind of keep in the back of your mind: Seven detectives were assigned by the Louisville Metro Police Department's Criminal Interdiction Division, where they attempted to execute a search warrant at 3003 Springfield Drive, Apartment 4. The warrant was signed by a judge and the warrant was dated March 12, 2020. The search warrant for Saint Anthony Garden Apartments, 3003 Springfield Drive, #4. The warrant was a no-knock warrant. They decided to serve it as a knock warrant, to knock on the house. The warrant itself was for trying to find illegal drugs, drug paraphernalia, and money. The officers arrived at this location at 00:35. 12:35. Just 35 minutes after midnight. And they began to attempt to execute this warrant at 00:40 hours. Okay? We'll go over the three officers that discharged the firearms on March 13. It is believed, after Sergeant Jon Mattingly, he was first to open the door, first to enter the door, after receiving a gunshot wound from inside the apartment. He fired six rounds in this general area in and around the door in front of the residence inside the apartment. Detective Myles Cosgrove fired 16 rounds in the same general area. Detective Brett Hankison from the south to the north direction fired 10 rounds from outside the apartment. You will hear the more specifics about this later from Detective Greg Wolf. This is as you can see the photographs in here, listen to the witness statements, so kind of keep that in mind.

Female Speaker: I just want to go back for a second to years of service for Detective Mike Nobles.

Jeff Ogg: Yes, Detective Mike Nobles has been on the Louisville Metro Police Department for approximately 14 years. And Detective Tony James has been on the Louisville Metro Police Department for approximately 20 years.

Female Speaker: Okay, thank you. Now, you also obtained a copy of the video that was filmed of the crime scene?

Jeff Ogg: Yes, ma'am.

Female Speaker: And was the video taken prior to any evidence collection?

Jeff Ogg: Yes, we're getting ready to show you a video that was filmed – taken by the LMPD Crime Scene Unit technician lead. It was videotaped on the morning of March 13. As you know and if you notice the video that you'll see played with no officers, which is standard. Usually the videotape is of the scene

before anything is added to or removed from the scene. And as you see, it was taken from the west to the east direction.

Male Speaker: Is it okay if I take a short bathroom break, just a short one?

Jeff Ogg: Short bathroom break?

Female Speaker: Yes, let's just take a 10-minute break? Would that be good?

[Recording ends at 0:37:04.]